

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-0473-WQ-E TCEQ ID: RN105566608 CASE NO.: 37387
RESPONDENT NAME: STONERIDGE CUSTOM HOMES, INC.

Page 1 of 2

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 3704 Eagle Nest Trail and 3820 Eagle Nest Trail, Burleson, Tarrant County</p> <p>TYPE OF OPERATION: Residential development</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired October 5, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Water Enforcement Section, MC 169, (512) 239-5610 TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901 Respondent: Mr. Douglas E. Haley, President, Stoneridge Custom Homes, Inc., 1808 Kingsbridge Lane, Roanoke, Texas 7626 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review </p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 6, 2009</p> <p>Date of NOE Relating to this Case: March 7, 2009</p> <p>Background Facts: The EDPRP was filed May 6, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Not yet in compliance.</p> <p>WQ: Failed to obtain authorization to discharge storm water associated with construction activities [30 TEX. ADMIN. CODE § 281.25(a)(4) and CFR § 122.26(c)].</p>	<p>Total Assessed: \$1,050</p> <p>Total Deferred: \$0</p> <p> <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset </p> <p>Total Due to General Revenue: \$1,050</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor </p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days, either:</p> <p>a. Develop and implement a storm water pollution prevention plan and submit a Notice of Intent and associated application fee to comply with the Construction General Permit requirements to TCEQ:</p> <p>Or</p> <p>b. If all soil disturbing activities at the Sites have been completed, ensure that final stabilization of the Sites has been established by having a uniform, evenly distributed perennial vegetative covering of at least 70% of the native background vegetative cover for the area on all unpaved areas and areas not covered by permanent structures.</p> <p>2. Within 45 days, submit written certification to demonstrate compliance with either Ordering Provision No. 1.a. or Ordering Provision No. 1.b.</p>

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603040536	Stoneridge Custom Homes, Inc.	Classification: AVERAGE	Rating: 2.33
Regulated Entity:	RN105566608	STONERIDGE CUSTOM HOMES SANTA FE DIVISION	Classification: AVERAGE	Site Rating: 3.00
ID Number(s):				
Location:	3704/3820 EAGLE NEST TRAIL IN BURLESON TEXAS, TARRANT COUNTY			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	March 30, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 30, 2004 to March 30, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Christopher Keffer	Phone:	239 - 5610	

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 03/10/2009 (737880)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 08/04/2008 (688633)
N/A Self Report? NO Classification: Major
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
TXR150000 PERMIT
Description: Failure to obtain authorization to discharge stormwater associated with construction activity. At the time of the investigation, Stoneridge Custom Homes was operating a construction site without a proper permit coverage.
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Mar-2009	Screening	30-Mar-2009	EPA Due	
	PCW	31-Mar-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Stoneridge Custom Homes, Inc.		
Reg. Ent. Ref. No.	RN105566608		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37387	No. of Violations	1
Docket No.	2009-0473-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5.0% Enhancement **Subtotals 2, 3, & 7** \$50

Notes Enhancement is due to one NOV with the same violation as those in the current enforcement action.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$0

Economic Benefit 0.0% Enhancement* **Subtotal 6** \$0

Total EB Amounts \$125
Approx. Cost of Compliance \$2,225

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,050

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$1,050

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$1,050

DEFERRAL 0.0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$1,050

Screening Date 30-Mar-2009

Docket No. 2009-0473-WQ-E

PCW

Respondent Stoneridge Custom Homes, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37387

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105566608

Media [Statute] Water Quality

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement is due to one NOV with the same violation as those in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 30-Mar-2009		Docket No. 2009-0473-WQ-E		PCW	
Respondent Stoneridge Custom Homes, Inc.		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37387		<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN105566608					
Media [Statute] Water Quality					
Enf. Coordinator Christopher Keffer					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)			
Violation Description		Failed to obtain authorization to discharge stormwater associated with construction activities, as documented during an investigation conducted on March 6, 2009. Specifically, at the time of the investigation it was documented that the Respondent had not obtained authorization to discharge stormwater under Texas Pollution Discharge Elimination System General Permit No. TXR150000 and failed to implement a Storm Water Pollution Prevention Plan (SWP3) for construction activities at 3820 Eagle Nest Trail and 3704 Eagle Nest Trail.			
				Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential				Percent 0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
		x			Percent 10%
Matrix Notes	100% of the rule requirement was not met.				
				Adjustment	\$9,000
					\$1,000
Violation Events					
Number of Violation Events		1		Number of violation days 24	
<i>mark only one with an x</i>	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$1,000
One monthly event is recommended from the investigation date (March 6, 2009) to the screening date (March 30, 2009).					
Good Faith Efforts to Comply					
		0.0% Reduction			
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary					
Ordinary					
N/A		x	(mark with x)		
Notes		The Respondent does not meet the good faith criteria for this violation.			
				Violation Subtotal	\$1,000
Economic Benefit (EB) for this violation					
		Statutory Limit Test			
Estimated EB Amount		\$125		Violation Final Penalty Total	\$1,050
				This violation Final Assessed Penalty (adjusted for limits)	\$1,050

Economic Benefit Worksheet

Respondent Stoneridge Custom Homes, Inc.
Case ID No. 37387
Reg. Ent. Reference No. RN105566608
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	4-Aug-2008	1-Jun-2009	0.82	\$5	\$110	\$115
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$225	4-Aug-2008	1-Jun-2009	0.82	\$9	n/a	\$9
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a SWP3, and to file the notice of intent (NOI). Date required is the date the violation was first documented. Final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,225

TOTAL

\$125

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
STONERIDGE CUSTOM HOMES,
INC.;
RN105566608**

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§
§
§
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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2009-0473-WQ-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, CODE OF FED. REG. ch. 122, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Stoneridge Custom Homes, Inc. ("Stoneridge").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Stoneridge owns and operates a residential development located at 3704 Eagle Nest Trail and 3820 Eagle Nest Trail, Burleson, Tarrant County, Texas (the "Sites").
2. The Sites discharged waste into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any state water under the Texas Water Code.
3. During an investigation conducted on March 6, 2009, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Stoneridge failed to obtain authorization to discharge stormwater associated with construction activities, as documented during an investigation conducted on March 6, 2009. Specifically, at the time of the investigation it was documented that Stoneridge had not obtained authorization to discharge stormwater under Texas Pollution Discharge Elimination System General Permit No. TXR150000 and failed to implement a Storm Water Pollution Prevention Plan (SWP3) for construction activities at 3820 Eagle Nest Trail and 3704 Eagle Nest Trail.
4. Stoneridge received notice of the violation on or about March 12, 2009.

5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Stoneridge Custom Homes, Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on May 6, 2009.
6. By letter dated May 6, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Stoneridge with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Stoneridge received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).
7. More than 20 days have elapsed since Stoneridge received notice of the EDPRP, provided by the Executive Director. Stoneridge failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Stoneridge is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, CODE OF FED. REG. ch. 122, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3., Stoneridge failed to obtain authorization to discharge stormwater associated with construction activities, as documented during an investigation conducted on March 6, 2009, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and CODE OF FED. REG. § 122.26(c).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Stoneridge with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
4. As evidenced by Finding of Fact No. 7, Stoneridge failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Stoneridge and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Stoneridge for violations of the Texas Water Code and the CODE OF FED. REG. within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Stoneridge is assessed an administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) for violations of the Texas Water Code and the rules of the TCEQ. The payment of this administrative penalty and Stoneridge's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Stoneridge Custom Homes, Inc.; Docket No. 2009-0473-WQ-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Stoneridge shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Stoneridge shall either:
 - i. Develop and implement a storm water pollution prevention plan and submit a Notice of Intent and associated application fee to comply with the Construction General Permit requirements, in accordance with 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c) to:

Texas Commission on Environmental Quality
Storm Water Processing Center (MC228)
P.O. Box 13087
Austin, Texas 78711-3087

OR

- ii. If all soil disturbing activities at the Sites located at 3820 Eagle Nest Trail and 3704 Eagle Nest Trail have been completed, ensure that final stabilization of the Sites has been established by having a uniform, evenly distributed perennial vegetative covering of at least 70% of the native background vegetative cover for the area on all unpaved areas and areas not covered by permanent structures.
- b. Within 45 days after the effective date of this Order, Stoneridge shall submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with either Ordering Provision No. 2.a.i. or Ordering Provision No. 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Stoneridge shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Sid Slocum, Water Section Manager
Texas Commission on Environmental Quality
Dallas / Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Stoneridge. Stoneridge is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. If Stoneridge fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Stoneridge's failure to comply is not a violation of this Order. Stoneridge shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Stoneridge shall notify the Executive Director within seven days after Stoneridge becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Stoneridge shall be made in writing to the Executive Director. Extensions are not effective until Stoneridge receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Stoneridge if the Executive Director determines that Stoneridge has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF BARHAM A. RICHARD

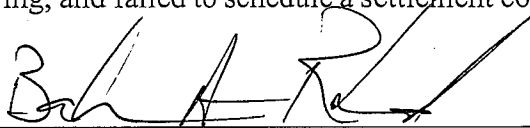
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

"My name is Barham A. Richard. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Stoneridge Custom Homes, Inc." (the "EDPRP") was filed with the Office of the Chief Clerk on May 6, 2009.

The EDPRP was mailed to Stoneridge at its last known address on May 6, 2009, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Stoneridge received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

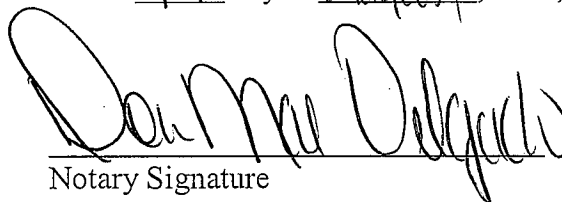
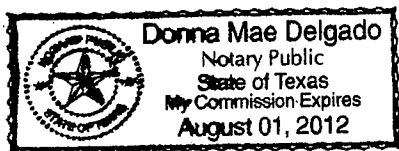
More than 20 days have elapsed since Stoneridge received notice of the EDPRP. Stoneridge failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference."



Barham A. Richard, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Barham A. Richard, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 17th day of August, A.D., 2009.


Notary Signature